IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO. 338 OF 2004.
IN
WRIT PETITION NO. 3952 OF 2001 .

Pune Zilla Mazdoor Sabha ... Applicant.
V/s.
Shri V.L. Kamble. ... Respondents.

Shri S.R. Nargolkar for the Applicant.
Shri A.D. Patwardhan for respondent No.2.
Shri K.S. Bapat for respondent No.3

CORAM : V.C.DAGA, J.

DATED : 4.5..2006.

P.C. :

. This petition is directed against the order dated 6.7.2001 passed by the Industrial Court, Pune, in Complaint (ULP) No.655 of 1998, holding that the petitioner-Society has engaged in an unfair labour practices under Items 9 & 10 of Schedule IV of the MRTU & PULP Act, 1971, and directing the petitioner to provide work to the concerned workers with a further direction to pay all the monetary benefits for the intervening period within one month.

2. The respondent No.2-original complainant-Zilla Parishad has moved an application for seeking direction in consonance with provisions of section 17-B of the Industrial Disputes Act and also prayed that the petitioner be directed to deposit backwages in the Court. The respondent No.2 has filed an affidavit dated 17.4.2006 on record stating that the

Society has no work to provide; however, society has arranged for providing work to employees of cleaning of shop floor in some of the factories (details of which are placed on record) wherein they can earn wages as shown in Annexure annexed to the said affidavit.

3. Shri Nargolkar, learned Counsel appearing for the original respondent No.2 has no objection to accept the proposal and/or offer given in the aforesaid affidavit dated 17.4.2006.

4. In the above view of the matter, petitioner is permitted to go ahead with allotment work of as suggested in the affidavit dated 17.4.2006, w.e.f.15.5.2006.

5. It is made clear that the above proposal or offer given by the petitioner and accepted by respondent No.2 is without prejudice to their respective legal rights. Needless to mention that failure on the part of respondent No.2 or its members to report for duty, offer given by employer to the employees shall stand forfeited and they shall not be entitled to claim benefit of section 17-B of the Industrial Disputes Act.

6. So far as directions given by the Industrial Court in para 4 of the operative part of the order

is concerned, petitioner is directed to deposit entire amount of back wages flowing from the impugned order within 8 weeks from today. In the event of such deposit, registry is directed to invest the same with any nationalised Bank; initially, for a period of 37 months and should keep the said investment renewed from time to time until further orders.

7. Needless to mention that the respondent No.2 shall not be entitled to withdraw this amount so long as petition pending in this Court is not decided on merits.

8. In the event of failure on the part of the employer to provide work or make deposit as directed, interim relief shall stand automatically vacated.

Civil Application stands disposed of with no order as to costs.

(V.C.DAGA,J.)